

# MEMO ENDORSED

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July 15, 2008

**BY HAND**

Hon. Lewis A. Kaplan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Hon. Ronald L. Ellis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: LB Arts SPRL v. Neuhoff, et al; 08 Civ. 3726 (LAK)(RLE)

Dear Judge Kaplan and Magistrate Judge Ellis:

I am a member of Eaton & Van Winkle LLP, attorneys for plaintiff LB Arts Sprl in the referenced action. Yesterday, I received a telephone call from Mr. Raymond Audain of Judge Ellis's Chambers advising me that the time for defendants to answer the complaint would be extended again until after a further settlement conference. Today, I received by fax a copy of a letter from defendants' attorney, Brian Linder, to Judge Ellis confirming the extension.

On July 1, 2008, Judge Kaplan filed a Scheduling Order in which the last day to join parties or seek leave to do so or to amend pleadings or seek leave to do so was scheduled for July 17, 2008. Although it is obvious that those dates must be rescheduled, there was no mention of this in Mr. Audain's message or Mr. Linder's letter. I telephoned Mr. Audain today to inquire about this. He told me that the subject had not been raised and that it was a matter for Judge Kaplan. Since I was advised of the extension by the Chambers of Judge Ellis, I have addressed this letter to both of you.

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Please advise how the July 17th deadlines will be handled in light of the extension of defendants' time to answer the complaint beyond that date.

Thank you for giving your attention to this matter.

Respectfully,




Ted G. Semaya

cc: Brian Linder, Esq. (via email and regular mail)

The 7/17/08  
deadline is extended

vahl 7/31/08  
SO ORDERED



LEWIS A. KAPLAN  
7/16/08